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Application No. 95 937 385.3-2425	Ref. SDM/48180/000	Date 03.02.2003
Applicant Utter, Steven M.		

**Communication under Rule 51(4) EPC**

You are informed that the Examining Division intends to grant a European patent on the basis of the above application with the text and drawings as indicated below:

Text for the Contracting States:  
DE ES FR GB IT

**Description, pages:**

1,2	as received on	09.06.2000	with letter of	07.06.2000
3b	as received on	05.09.2001	with letter of	03.09.2001
3,3a,4	as received on	12.11.2002	with letter of	11.11.2002

**Claims, No.:**

2 (part), 3-9, 10 (part)	as received on	05.09.2001	with letter of	03.09.2001
1,2 (part), 10 (part)	as received on	12.11.2002	with letter of	11.11.2002

**Drawings, sheets:**

1/1 as published

With the following amendments to the above-mentioned documents by the division:

Description, pages: 1, 2, 3, 3a, 4

Registered Letter  
EPO Form 2004 07.02.CSX

EXHIBIT A

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Claims, No.: 1",3,7,10"

**Comments:**

\* Article 84 EPC, Rule 27(1)c, EPC, Guidelines C-III, 4.3a

\*\* Article 84 and Article 123(2) EPC (no explicit support for the term "misting" nozzle)

A copy of the relevant documents is enclosed.

The title of the invention in the three official languages of the European Patent Office, the international patent classification, the designated Contracting States, the registered name of the applicant and the bibliographic data are shown on the attached EPO Form 2056.

You are requested **within four months** of this notification

1. to file 1 set of translations of the claim(s) in the two other EPO official languages;

EUR

- 2a. to pay the fee for grant including the fee for printing up to and including 35 pages;

Reference 007

715.00

- 2b. to pay the printing fee for the 36th and each additional page;  
number of pages: 0

Reference 008

0.00

3. to pay the additional claim fee(s) (Rule 51(7) EPC);  
number of claims fees payable: 0

Reference 016

0.00

Total amount

715.00

Concerning the possibility of a request for accelerated grant pursuant to Article 97(6) EPC, reference is made to OJ EPO 2001, 459.

If the grant, printing or claims fees are not paid, or the translations not filed, in due time the European patent application will be deemed to be withdrawn (Rule 51(8) EPC).

For all payments you are requested to use EPO Form 1010 or to refer to the relevant reference number.

If additional copies of the patent specification are required, you should request this in writing and quote Fee reference code 058 when making payment.

Translation of the priority document(s)

If the translation of the priority document(s), as required by Article 88(1) EPC, or the declaration according to Rule 38(5) EPC has not yet been filed, Form 2530 will be despatched separately. The translation is to be filed within the above mentioned time limit (Rule 38(5) EPC).

Note on payment of renewal fees

If a renewal fee falls due between notification of the present communication and the proposed date of publication of the mention of the grant of the European patent, publication will be effected only after the renewal fee and any additional fee have been paid (Rule 51(9) EPC).



Under Article 86(4) EPC, renewal fees are payable to the European Patent Office until the year in which the mention of the grant of the European patent is published.

Filing of translations in the Contracting States

Pursuant to Article 65(1) EPC the following Contracting States require a translation of the specification of the European patent in their/one of their official language(s) (Rule 51(10) EPC), insofar this specification will not be published in their/one of their official language(s)

- within three months of publication of the mention of such decision:

AT	AUSTRIA	FR	FRANCE
BE	BELGIUM	GB	UNITED KINGDOM
CH	SWITZERLAND / LIECHTENSTEIN	GR	GREECE
CY	CYPRUS	IT	ITALY
DE	GERMANY	NL	NETHERLANDS
DK	DENMARK	PT	PORTUGAL
ES	SPAIN	SE	SWEDEN
FI	FINLAND	TR	TURKEY

- within six months of publication of the mention of such decision:

IE IRELAND

The date on which the European Patent Bulletin publishes the mention of the grant of the European patent will be indicated in the decision on the grant of the European patent (EPO Form 2006).

In case of a valid extension the following Extension States require a translation of the **claims** in their official language within three months after publication of the mention of the grant of the European patent:

AL	ALBANIA	RO	ROMANIA (requires translation of the specification)
LT	LITHUANIA	SI	SLOVENIA
LV	LATVIA		
MK	MACEDONIA		

The translation must be filed with the national Patent Offices of the Contracting or Extension States in accordance with the provisions applying thereto in the State concerned. Further details (e.g. appointment of a national representative or indication of an address for service within the country) are given in the EPO information brochure "National law relating to the EPC", and in the supplementary information published in the Official Journal of the EPO, or available on the EPO website.

Failure to supply such translation to the Contracting and Extension States in time and in accordance with the requirements may result in the patent being deemed to be void ab initio in the State concerned.

Note to users of the automatic debiting procedure

Unless the EPO receives prior instructions to the contrary, the fee(s) will be debited on the last day of the period of payment. For further details see the Arrangements for the automatic debiting procedure (see Supplement to OJ EPO 2, 2002).



Date

03.02.2003

Sheet 4

Application-No.: 95 937 385.3

**Examining Division:**

**Chairman:** NARCISI C  
**2nd Examiner:** FLODSTROEM J B  
**1st Examiner:** DAINITH E C



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**Enclosure(s):** Form 2056  
10 Copies of the relevant documents

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Annex to EPO Form 2004, Communicati n under Rule 51(4) EPC

Bibliographical data of European patent application No. 95 937 385.3

For the intended grant of a European patent, the bibliographical data are set out below, for information:

**Title of invention:** - TRAGBARE SPRÜHVORRICHTUNG ZUR KÜHLUNG DURCH  
NEBELERZEUGUNG  
- PORTABLE MIST COOLING DEVICE  
- DISPOSITIF PORTATIF DE REFROIDISSEMENT PAR BROUILLARD  
PULVERISE

**Classification:** B05B9/08, B05B15/06

**Date of filing:** 16.10.1995

**Priority claimed:** US / 18.10.94 / USA 324872

**Contracting States\***  
for which fees have  
been paid: DE ES FR GB IT

**Extension States\***  
for which fees have  
been paid:

**Applicant(s)\*\*:** Utter, Steven M.  
481 N. Longmore Street  
Chandler, AZ 85224  
US

**Inventor(s):** Utter, Steven M.  
481 N. Longmore Street  
Chandler, AZ 85224  
US

\*) In case the time limits pursuant to Article 79(2) and Rule 85a EPC have not yet expired, all  
Contracting States/Extension States have been mentioned.

\*\*) In case two or more applicants have designated different Contracting States, this is indicated here.

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